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6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 IN AND FOR THE COUNTY OF LANE
8

9 **ERIN K. OLSON**, as personal representative
10 for the Estate of **JEANETTE MAPLES**, also
known as **JANETTE MAPLES**, decedent,

11 Plaintiff,

12 vs.

13 **STATE OF OREGON**, by and through its
14 **Department of Human Services**, an
administrative agency of the State,

15 Defendant.

Case No.

**COMPLAINT AND DEMAND FOR
JURY TRIAL (Wrongful Death, Personal
Injury, and Survivor Action)**

Damages Claimed Over \$10,000

**Claim Not Subject to Mandatory
Arbitration**

Total Damages Claimed: \$1,507,000

16 Plaintiff alleges:

17 1.

18 Plaintiff Erin K. Olson is the duly appointed Personal Representative for the Estate of
19 Jeanette Maples, also known as Janette Maples, who died of abuse, neglect, torture and other
20 traumatic causes on December 9, 2009.

21 2.

22 Defendant DHS is the State of Oregon's largest state agency and includes the agency in
23 charge of protecting children from abuse.

24 3.

25 The Estate of Jeanette Maples is domiciled in Lane County, Oregon, and the wrongful
26 acts set forth in this case occurred in Lane County, Oregon.

1 4.

2 Plaintiff provided timely notice of claim in conformity with the Oregon Tort Claims Act.

3 5.

4 Plaintiff does not agree to the applicability or constitutionality of the limits on liability or
5 other provisions of the Oregon Tort Claims Act and reserves the right to name additional
6 individual defendants as warranted by law or fact and to challenge any limits on liability set forth
7 therein.

8 6.

9 Plaintiff's decedent was born on August 9, 1994. At the time of her death, plaintiff's
10 decedent was just 15 years old.

11 7.

12 At all times material, plaintiff's decedent resided with her mother, Angela McAnulty.
13 Angela McAnulty has been convicted of the brutal murder of her daughter Jeanette Maples.
14 Jeanette Maples' death could have been prevented if the State of Oregon exercised reasonable
15 care in responding to reports that Jeanette Maples was being abused. The death of Jeanette
16 Maples was wrong and this lawsuit seeks to hold the State responsible for being a substantial
17 factor in causing the death of Jeanette Maples as alleged more fully below.

18 8.

19 The State actually knew, and in the exercise of reasonable care, should have known, that
20 Jeanette Maples was being exposed to abuse and neglect, yet failed to take adequate or
21 reasonable care to provide reasonable safety to Jeanette Maples.

22 9.

23 Defendant was negligent in one or more of the following ways:

24 (A) In failing to investigate actual allegations of child abuse that arose
25 beginning in 2006, four years before Jeanette Maples was killed.

- 1 (B) In failing to consider additional known allegations and investigations of
2 child abuse perpetrated by McAnulty against decedent which were
3 documented in California.
- 4 (C) In failing to investigate and heed information from reliable sources in
5 Oregon that disclosed child abuse and neglect that occurred in Oregon.
- 6 (D) In failing to determine or assess Jeanette Maples' own vulnerability to
7 child abuse.
- 8 (E) In concluding that Jeanette Maples could fend for herself as a young
9 teenager when defendant knew, or in the exercise of reasonable care
10 should have known, that Jeanette Maples could not be expected to fend for
11 herself in the face of a history of abuse and neglect by the adult parents in
12 her home.
- 13 (F) In failing to reasonably monitor the safety of Jeanette Maples when
14 defendant knew, or in the exercise of reasonable care should have known,
15 that Jeanette Maples was being neglected or abused, starved and beaten in
16 her home.

17 10.

18 Defendant's negligence was a substantial factor in causing suffering, humiliation, pain,
19 fear, anguish, and torture, ultimately resulting in the violent death of Jeanette Maples.

20 **FIRST CLAIM FOR RELIEF**

21 (Personal Injury; Survivor Action; ORS 30.075)

22 11.

23 As a result of the negligence of defendant, Jeanette Maples suffered severe hunger,
24 starvation, anemia, dehydration, alienation of affection, distress, and a lack of the enjoyment of
25 her short life, to her non-economic damage in the amount of \$500,000.

12.

As a further direct result of the defendants, and each of them, the decedent's estate incurred expenses for burial and related expenses, to the economic damage of the estate in the amount of \$7,000, plus the amount of \$1,000,000 for loss of the pecuniary value of her estate.

13.

Plaintiff has incurred attorney fees in relation to this cause and case and such attorney fees continue to accrue. Plaintiff is entitled to recovery of attorney fees pursuant to 30.275(2).

SECOND CLAIM FOR RELIEF

(Wrongful Death)

14.

Plaintiff realleges paragraphs 1-13 as if set forth fully herein.

15.

The negligence of defendant was a substantial factor in causing the decedent's death.

16.

As a further result of the negligence of defendant DHS, decedent's father, the lone qualified heir under the laws of intestate succession in Oregon and under the rule of *In Re Rohrbach*, 152 Or App 68 (1988), suffered the loss of the society, love and companionship of his daughter to his non-economic damage in the amount of \$1,000,000.

17.

As a further result of the negligence of defendant DHS, the decedent's estate incurred expenses for burial and related expenses, to the economic damage of the estate in the amount of \$7,000, plus the amount of \$500,000 for loss of the pecuniary value to her estate.

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1 WHEREFORE, plaintiff claims for relief against defendant as follows:

- 2 A. On the Estate's First Claim for Relief in the amount of \$1,000,000 for economic
3 damages, \$500,000 for non-economic damages, and her attorney fees in
4 prosecuting this action.
- 5 B. On the Estate's Second Claim for Relief in the amount of \$100,000 for economic
6 damages, and \$1,000,000 as and for non-economic damages.
- 7 C. For such other relief as the court deems just.
- 8

9 DATED this 29th day of August, 2011.

10 Respectfully submitted,

11 DAVID PAUL, PC

12 By: _____

13 David Paul, OSB No. 86260
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19 E-Mail: dp@davidpaullaw.com
20 Attorneys for Plaintiff

21 Plaintiff demands a jury trial.

22 DATED this 29th day of August, 2011.

23 DAVID PAUL, PC

24 By: _____

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